

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

**COMPLAINANTS' REPLY TO RESPONDENTS' RESPONSE TO COMPLAINANTS'
MOTION REQUESTING RULING ON OUTSTANDING DISCOVERY ISSUES PRIOR
TO RULING ON ALL OTHER MOTIONS PENDING**

Pursuant to Rules 69 and 71 of the Federal Maritime Commission's (the "Commission") Rules of Practice and Procedure (46 C.F.R. 502 *et seq.*), Complainants, through their Counsel, Marcus A. Nussbaum, Esq. respectfully submit this Reply to Respondents' Response To Complainants' Motion Requesting Ruling On Outstanding Discovery Issues Prior To Ruling On All Other Motions Pending.

This Reply is respectfully submitted as a response to the incomprehensible and incoherent submission of the respondents which purports to respond to Complainants' Motion Requesting Ruling on Outstanding Discovery Issues Prior to Ruling on All Other Motions Pending.

Though signed by Mr. Jeffrey, said response bears the inimitable mark, poor grammar, inartful drafting, and "moot court" type writing style of Mr. Jeffrey's demonstrably incompetent junior associate, Ms. Vohra, as the most recent of similar incomprehensible writings of Ms. Vohra.

To the extent that once stripped of 'first year law student' Socratic inquiry, and other irrelevant legal-babble, Ms. Vohra's latest submission largely says *nothing*; accordingly, little reply is warranted or merited.

Though not the subject of the motion to which Ms. Vohra's vague, nebulous, and wandering response purports to address itself to, and in that respondents have averred to not be in possession of any documents reflecting ownership of the subject vehicles, it is respectfully requested that ancillary to complainants' instant requested relief, respondents should now be directed to provide a Certification, executed by respondents and *not* their counsel, attesting to the following: (1) not being in possession of the subject documents; (2) the search performed for said documents including where, when, and by whom; and (3) the last known whereabouts of said documents, or in the alternative, a statement averring as to having never been in possession of same.

While complainants are well familiar with Ms. Vohra's shocking lack of the first semblance of knowledge of *any* area of law pertaining to the litigation of this matter, complainants are nonetheless *stupefied* over Ms. Vohra's professed ignorance of the significance of whether complainants were or were not the owners of the subject vehicles herein.

Accordingly, for Ms. Vohra's edification, and in the first instance it is axiomatic that if the complainants were the owners of the subject vehicles at the time that said vehicles were shipped, then Empire United Lines Co. Inc ("EUL") was indisputably and undeniably acting as an NVOCC for the shipments.

For Ms. Vohra's further edification, it is then *a fortiori* that if EUL was acting as an NVOCC (which they *were* if complainants were the owners of the subject vehicles), and if EUL then unreasonably withheld the vehicles and refused to release same to the rightful owners, that EUL was uncontrovertibly in violation of the Shipping Act of 1984.

Finally, to complete Ms. Vohra's edification, if EUL violated the Shipping Act of 1984 (which they *did* if they were acting as an NVOCC, which they *were*, and if complainants were the owners of the subject vehicles) then the Federal Maritime Commission (the "Commission") has subject matter jurisdiction over this case, and complainants have standing to sue.

It is thus respectfully submitted that if anything or anyone is "confused" in this matter it is the hapless Ms. Vohra whose knowledge of the applicable law and the significance of the undisputed facts in this matter is as bereft as her legal writing skills.

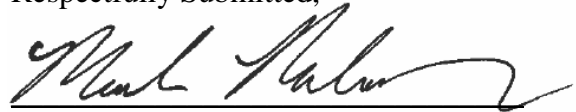
In conclusion, and based upon the foregoing, together with that set forth in complainants' original motion, it is respectfully requested that for the reasons stated therein, the Presiding Officer rule on complainants' pending Motion to Compel *prior to* rendering a decision upon respondents' failed Motion for Judgment on the Pleadings, and that respondents, based on Ms. Vohra's response, now be directed to provide a Certification as requested with regard to not being in possession of any "shipping documents" beyond those already exchanged, particularly the following: all records relating to the ocean transportation of the subject automobiles, including, but not limited to, quotes of freight rates for transportation, shipping agreements, booking

confirmations, bills of lading, dock receipts, invoices, payments for transportation, validated Certificates of Title, export and import declarations, notices of arrival, “...and any other documents relating to the shipment of the vehicles.”

WHEREFORE, it is respectfully requested that complainants’ motion be in all respects granted, together with such other and further relief as the Presiding Officer may deem just and proper under the circumstances.

Dated: September 8, 2016
Brooklyn, New York

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Marcus A. Nussbaum", written over a horizontal line.

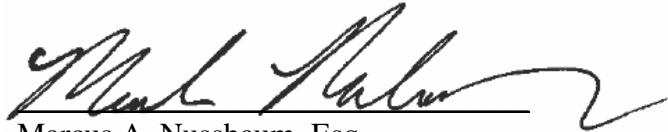
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **COMPLAINANTS' REPLY TO RESPONDENTS' RESPONSE TO MOTION REQUESTING RULING ON OUTSTANDING DISCOVERY ISSUES PRIOR TO RULING ON ALL OTHER MOTIONS PENDING** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, and by email (ejeffrey@nixonpeabody.com).

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", written over a horizontal line.

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Dated: September 8, 2016 in Brooklyn, New York.